

1632

| TRANSMITTAL LETTER  |                                   |                            | Case No. 8642/91                                 |
|---|-----------------------------------|----------------------------|--|
| Serial No.<br>09/663,889  | Filing Date<br>September 18, 2000 | Examiner<br>To be assigned | Group Art Unit<br>1632                           |
| Inventor(s)<br>Nabel et al.   |                                   |                            | RECEIVED<br>AUG 16 2001<br>TECH CENTER 1600/2900 |
| Title of Invention<br>KITS FOR SITE-SPECIFICALLY TRANSFORMING CELLS IN VIVO |                                   |                            |  |

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is a First Supplemental Information Disclosure Statement; Form PTO-1449; 8 cited references;  
return postcard.

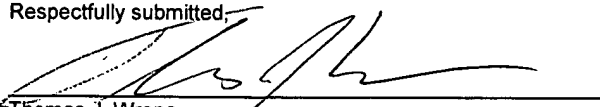
- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☒ No additional fee is required.
- ☐ The fee has been calculated as shown below:

|   | Claims<br>Remaining<br>After<br>Amendment |       | Highest No.<br>Previously<br>Paid For | Present<br>Extra |
|---|---|-------|---------------------------------------|------------------|
| Total                                     |   | Minus |                                       |                  |
| Indep.                                    |   | Minus |                                       |                  |
| First Presentation of Multiple Dep. Claim |   |       |                                       |                  |

| Small Entity       |              | or | Other Than<br>Small Entity |              |
|--------------------|--------------|----|----------------------------|--------------|
| Rate               | Add'l<br>Fee |    | Rate                       | Add'l<br>Fee |
| x \$9=             |              |    | x \$18=                    |              |
| x 40=              |              |    | x \$80=                    |              |
| +\$135=            |              |    | + \$270=                   |              |
| Total<br>add'l fee | \$           |    | Total<br>add'l fee         | \$           |

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
Thomas J. Wrona  
Registration No. 44,410  
Agent for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on August 10, 2001.

Date: 8/10/01Signature: 

rev. Dec.-00  
Document 5



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, Washington, D.C. 20231, on

August 10, 2001

Date of Deposit

Thomas J. Wrona

Name of Applicant, Assignee or  
Registered Representative

[Signature]

Signature

8/10/01

Date of Signature

Our Case No.: 8642/91

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nabel et al.

Serial No.: 09/663,889

Filing Date: September 18, 2000

For: KITS FOR SITE-SPECIFICALLY  
TRANSFORMING CELLS IN VIVO

Examiner: To be assigned

Group Art Unit No.: 1632

**FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this First Supplemental Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

#4  
#P  
8-16-01  
w/attachment

The disclosure includes references that were cited by the Japanese patent office in a related case. For the convenience of the Examiner, Applicant has included PCT applications that correspond with the documents in Japanese. Applicant has provided the corresponding PCT application in English for JP 7-502651 and JP 11-506315. Also, PCT applications WO 96/06940, WO 96/06938 and WO 96/22101 provide an English translation of the abstract for Japanese documents JP 10-506526, JP 10-507626 and JP 10-512559, respectively. Because the text of these PCT applications are not in English, Applicant only provides the cover sheet which includes a translation of the abstract.

The references now cited are the following:

**FOREIGN PATENT PUBLICATIONS**

| <b>DOCUMENT<br/>NUMBER</b> | <b>DATE</b> | <b>COUNTRY</b> | <b>CORRESPONDING<br/>PCT APPLICATION</b> |
|----------------------------|-------------|----------------|--|
| WO 94/24297                | 10/27/1994  | WIPO           |  |
| WO 95/06486                | 3/9/1995    | WIPO           |  |
| 7-502651                   | 3/23/1995   | Japan          | WO 93/12251                              |
| 10-506526                  | 6/30/1998   | Japan          | WO 96/06940                              |
| 10-507626                  | 7/28/1998   | Japan          | WO 96/06938                              |
| 10-512559                  | 12/2/1998   | Japan          | WO 96/22101                              |
| 11-506315                  | 6/8/1999    | Japan          | WO 96/34969                              |

**PUBLICATIONS**

1. Culver et al., "Gene Therapy for Cancer", *TIG*, vol. 10, no. 5, 174-178 (1994)

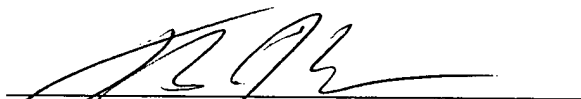
In accordance with 37 C.F.R. § 1.97(g),(h), this First Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been

made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This First Supplemental Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this First Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Thomas J. Wrona  
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Agent for Applicant(s)

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